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ORDINANCE NO. 47-041

AN ORDINANCE AMENDING SECTION 5.42.035 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO UNLAWFUL USE OF A FINANCIAL CARD.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. 5.42.035 of the Code of the City of Wichita, Kansas, shall read as follows:

(1) Criminal use of a financial card is any of the following acts done with intent to defraud and for the purpose of obtaining money, goods, property, services or communication services.

- (a) Using a financial card without the consent of the card holder; or
- (b) Knowingly using a financial card, or the number or description thereof, which has been revoked or canceled; or
- (c) Using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof.

(2) For the purposes of this section:

- (a) "Financial Card" means an identification card, plate, instrument, device, or number issued by a business organization authorizing the card holder to purchase, lease, or otherwise obtain money, goods, property, services or communication services or to conduct other financial transactions.
- (b) "Card holder" means the person or entity to whom or for whose benefit a financial card is issued.
- (c) For the purposes of subsection (1)(b) hereof, a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

(3) Penalty. Criminal use of a financial card is a misdemeanor if the money, goods, property, services or communication services obtained within a seven-day period are of

the value of less than one thousand dollars. Any person convicted of criminal use of a financial card shall be punished by a fine not to exceed two thousand five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 2. The original of Section 5.42.035 of the Code of the City of Wichita, Kansas, is hereby repealed.

Section 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 6th day of June, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf
Director of Law